IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5466 OF 2004

The Thane Janata Sahakari
Bank Ltd. through Shri Dilip
D. Velankar ... Applicant

versus

Hirachand Raichand Pagaria
and others ... Respondents

...

Mr.Niranjan Mundargi, for the Applicant.
Mr.Subodh Desai, for the Respondents Nos.1 and 2.
Mr.V.B.Konde Deshmukh, A.P.P., for Respondent State.

...

CORAM : A.M.KHANWILKAR,J.

11th March 2005

P.C.:

. Heard Counsel for the parties. This application has been adjourned on different dates since 17th January 2005. This Court has passed a

self-operative order on 2nd November 2004 on the anticipatory bail application preferred by the Respondents. The Respondents, however, did not comply with the conditions imposed in the said order. Inspite of that, this Court showed indulgence on the assurance given on behalf of the Respondents that necessary arrangement is being made and the Applicant also favoured the suggestion to show indulgence to the Respondents on that count. Today matter was listed with clear understanding that last opportunity was being given to the Respondents. Once again, today, request is made on behalf of the Respondents for further time upto 21st March 2005.

. I see no reason to show any further indulgence. However, Counsel for the Applicant Bank in all his fairness submits that the application be disposed of by giving last opportunity to the Respondents by passing a self-operative order.

. Accordingly, this application is disposed of by directing the Respondents to pay the

balance amount in terms of order dated 2nd November 2004 on or before 21st March 2005, failing which the anticipatory bail granted in favour of the Respondents will come to an end on that date. In the meantime, the Respondents shall report to the concerned investigating officer on the alternate day between 5 p.m. to 7 p.m. In case, the Respondents manage to pay the balance outstanding amount in terms of order dated 2nd November 2004 on or before 21st March 2005, the anticipatory bail shall continue in favour of the Respondents till the filing of the charge sheet on condition that they shall abdie by all the conditions stipulated under section 438(2) of the Cr.P.C., as applicable to the State of Maharashtra.

. It is made clear that this order will not preclude the Applicant to take recourse to any other remedy as permissible by law, including for breach of undertaking given to this Court as recorded in order dated 2nd November 2004. That option is left open.

. Application disposed of on the above

terms.

(A.M.KHANWILKAR,J.)